

SENATE NO. 755



AN ACT RELATIVE TO HOUSING DISCRIMINATION AGAINST VICTIMS OF DOMESTIC VIOLENCE, RAPE, SEXUAL ASSAULT AND STALKING

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

- 1 SECTION 1. Section 1 of chapter 151B of the General Laws, as appearing in the 2004 Official
- 2 Edition, is hereby amended by adding, after line 167, the following paragraphs:-
- 3 24. The term “domestic violence” shall have the same meaning as “abuse” as set forth in section 1
- 4 of chapter 209A.
- 5 25. The term “rape” shall mean the commission of any act as set forth in section 22 of chapter 265
- 6 or sections 2, 3 or 17 of chapter 272.
- 7 26. The term “sexual assault” shall mean the commission of any act as set forth in sections 13F or
- 8 24 of chapter 265 or sections 3 or 17 of chapter 272.

9 27. The term “Stalking” shall mean the commission of any act as set forth in section 43 of chapter
10 265.

11 SECTION 2. Subsection 3(c) of section 4 of chapter 151B of the General Laws, as so appearing, is
12 hereby amended by inserting, in line 138, after the word “age,” the following words:-

13 “status as a victim of domestic violence, rape, sexual assault, or stalking,”

14 SECTION 3. Subsection 6 (a) of section 4 of said chapter 151B, as so appearing, is hereby
15 amended by inserting, in line 165, after the words “or marital status of such person or persons” the
16 following words:-

17 “or status as a victim of domestic violence, rape, sexual assault, or stalking”

18 SECTION 4. Subsection 6 (b) of section 4 of said chapter 151B, as so appearing, is hereby further
19 amended by inserting, in line 171, after the words “marital status” the following words:-

20 “or status as a victim of domestic violence, rape, sexual assault, or stalking”

21 SECTION 5. Subsection 6 (c) of section 4 of said chapter 151B, as so appearing, is hereby further
22 amended by inserting, in line 181, after the word “ancestry” the following words:-

23 “or status as a victim of domestic violence, rape, sexual assault, or stalking”

24 SECTION 6: Subsection 7(a) of section 4 of chapter 151B, as so appearing, is hereby amended by
25 inserting, in line 228, after the words “marital status,” the following words:-

26 “status as a victim of domestic violence, rape, sexual assault, or stalking,”

27 SECTION 7: Subsection 7(b) of section 4 of chapter 151B, as so appearing, is hereby further
28 amended by inserting, in line 236, after the words “marital status,” the following words:-

29 “status as a victim of domestic violence, rape, sexual assault, or stalking,”

30 SECTION 8: Subsection 7(c) of section 4 of chapter 151B, as so appearing, is hereby further
31 amended by inserting, in line 245, after the words “marital status,” the following words:-

32 “status as a victim of domestic violence, rape, sexual assault, or stalking,”

33 SECTION 9: Chapter 186 of the General Laws, as appearing in the 2004 Official Edition, is hereby
34 amended by adding after section 22 the following new section;-

35 186:23 Early termination of rental agreements;

36 Section 23. 1. For the purposes of this section the following words shall have the following
37 meanings:

38 "Domestic violence" shall have the same meaning as “abuse” as set forth in section 1 of chapter
39 209A.

40 “Rape” shall mean the commission of any act as set forth in section 22 of chapter 265 or sections 2,
41 3 or 17 of chapter 272.

42 “Sexual assault” shall mean the commission of any act as set forth in sections 13F or 24 of chapter
43 265 or sections 3 or 17 of chapter 272.

44 “Stalking” shall mean the commission of any act as set forth in section 43 of chapter 265.

45 "Qualified third party" shall mean a police officer, licensed medical care provider, an employee of a
46 court of the state acting in the course of his or her duties, member of the clergy, attorney, social
47 worker, licensed mental health professional or other licensed counselor, or advocate working at an
48 agency that assists victims of domestic violence, sexual assault, or stalking.

49 2. (a) If a tenant notifies the landlord in writing that he or she is a victim of domestic violence, rape,
50 sexual assault or stalking, and either (a)(i), (ii), or (iii) of this subsection applies, then subsection (3)
51 of this section applies:

52 (i) The tenant has a valid order for protection under chapter 209A;

53 (ii) The tenant has notified a law enforcement officer of an act or acts of domestic violence, rape,
54 sexual assault or stalking; or

55 (iii) The tenant has consulted with a qualified third party and reported the domestic violence, rape,
56 sexual assault or stalking to the qualified third party.

57 (b) When a copy of the order for protection, police report, or verification of consultation with or
58 report to a qualified third party, as required under (a) of this subsection, is made available to the
59 landlord, the tenant may terminate the rental agreement and quit the premises without further
60 obligation under the rental agreement. However, the request to terminate the rental agreement must
61 occur within six months of the most recent acts, events, or circumstances that gave rise to the
62 protective order, report to a law enforcement officer, or consultation with or report to a qualified
63 third party. Verification of consultation with or reporting to a qualified third party may consist of a
64 signed statement of the qualified third party or a form routinely provided by the qualified third party
65 for completion by clients. This form must be in substantially the following form:

66

67 Name of organization, agency, clinic, professional service provider]

68 I am a victim of . . . domestic violence as provided by section 1 of chapter 209A.

69 . . . rape as provided by section 22 of chapter 265 or sections 2, 3 or 17 of chapter 272.

70 . . . sexual assault as provided by sections 13F or 24 of chapter 265 or sections 3 or 17 of chapter

71 272.

72 . . . stalking as provided by section 43 of chapter 265.

73

74 Signature

75 I have been provided with a copy of the statutes cited in subsection 2 of section 22 of this act.

76 The incident(s) that I rely on in support of this declaration occurred on the following date(s):

77

78 I state under penalty of perjury under the laws of the state of Massachusetts that the foregoing is

79 true and correct. Dated at.(city)., Massachusetts, this . . . day of . . ., 20.

80 Signature

81 I verify that I have provided to the person whose signature appears above a copy of the statutory
82 language cited above and subsequently that individual informed me of his or her status as a victim
83 of domestic violence, rape, sexual assault or stalking on this . . . day of . . . , 20. ..

84

85 Signature of authorized officer/employee of (Organization, agency, clinic, professional service
86 provider)

87 3. A tenant who terminates a rental agreement under this section is discharged from the payment of
88 rent for any period following the quitting date, and is entitled to a pro rata refund of any prepaid
89 rent, and shall receive a full and specific statement of the basis for retaining any of the deposit
90 together with any refund due. Other tenants who are parties to the rental agreement are not released
91 from their obligations under the rental agreement or other obligations under this chapter.

92 4. (a) A landlord may not terminate a tenancy, fail to renew a tenancy, or refuse to enter into a
93 rental agreement based on the tenant's or applicant's or a member of his or her household's status as
94 a victim of domestic violence, sexual assault or stalking, or based upon actions or failure to act that
95 resulted from domestic violence, sexual assault or stalking directed at the tenant's or a member of
96 his or her household's status as a victim of domestic violence, sexual assault or stalking. A landlord
97 shall not terminate a tenancy of a tenant who has provided temporary shelter to a victim of domestic
98 violence, sexual assault or stalking based upon alleged unauthorized occupants. A landlord may not
99 refuse to enter into a rental agreement based on the tenant or applicant having terminated or having
100 a history of having terminated a rental agreement under subsection 2 of this section.

101 (b) A landlord who refuses to enter into a rental agreement or who terminates a tenancy or refuses
102 to enter into a new tenancy in violation of this section shall be liable to the tenant or applicant in a
103 civil action for damages sustained by the tenant or applicant. The tenant or applicant may also
104 recover court costs and reasonable attorneys' fees.

105 (c) This section does not prohibit adverse housing decisions based upon other lawful factors within
106 the landlord's knowledge.

107 5. (a) A tenant screening service provider may not include information in a written or oral report to
108 a landlord pertaining to domestic violence, rape, sexual assault or stalking; pertaining to the fact
109 that the subject of the report is a victim of domestic violence, rape, sexual assault or stalking; or
110 stating that the subject of the report has terminated a rental agreement under subsection 2 of this
111 section.

112 (b) A tenant screening service provider who violates this section shall be liable in a civil action for
113 damages sustained by the subject of the report. The subject of the report may recover court costs
114 and reasonable attorneys' fees.

115 (c) In any new action brought for possession of premises occupied for dwelling purposes involving
116 domestic violence, sexual assault, rape or stalking, the court, consistent with its existing equitable
117 authority, shall have the authority to craft an equitable solution which protects the legitimate
118 concerns of all parties.

119 SECTION 10: Chapter 239 section 2A of the General laws, as appearing in the 2004 Official
120 Edition is hereby amended in line 14, at the end of the first sentence, by adding the following :-

121 , or the tenant or a member of her or his household's taking any action pursuant to chapter
122 209A or reporting to any law enforcement official or court official the violation of any order issued
123 pursuant to Chapter 209A or any act of abuse as set forth in section 8 of Chapter 209A directed
124 against him or her. Further, no owner of residential property may retaliate against any tenant or
125 household member for having reported an assault to the police.